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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 PATRICK L. GUILLORY,)

10 Plaintiff,)

11 v.)

12 SNOHOMISH COUNTY JAIL, *et al.*)

13 Defendants.)
14 _____)

CASE NO. C06-747-MJP-MJB

ORDER DENYING MOTION
FOR APPOINTMENT OF COUNSEL

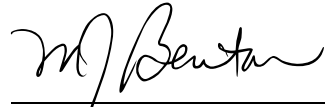
15 The Court, having reviewed Plaintiff's motion for appointment of counsel,
16 Defendants' response in opposition, and the balance of the record, does hereby find and
17 ORDER:

18 (1) Plaintiff's motion for appointment of counsel (Dkt. #33) is DENIED. There is
19 no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although
20 the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party
21 proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances.
22 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745
23 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A
24 finding of exceptional circumstances requires an evaluation of both the likelihood of
25 success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light
26 of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

1 Plaintiff has not been granted *in forma pauperis* status in this case. Therefore, he
2 fails to satisfy the financial prerequisite for appointment of counsel under 28 U.S.C. §
3 1915(e)(1).

4 (2) The Clerk shall send copies of this Order to Plaintiff, to counsel for
5 Defendants, and to the Honorable Marsha J. Pechman.

6 DATED this 4th day of January, 2007.

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9 MONICA J. BENTON
10 United States Magistrate Judge
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